

Message Text

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TO USDEL SECRETARY IMMEDIATE

S E C R E T STATE 182215 TOSEC 080262

E.O. 11652: GDS

TAGS: PFOR, PN

SUBJECT: ACTION MEMORANDUM: RELEASE OF EXCHANGE OF
PRESIDENTIAL LETTERS ON PANAMA CANAL NEGOTIATION
S/S NO. 7515583

REF: BOGOTA 7150

FOR THE SECRETARY FROM ROGERS

1. PROBLEM: PARAGRAPH 2 OF REFTEL REPEATED TO YOU IN
FULL BY SEPARATE CABLE EXPRESSES THE INTENTION OF THE
PRESIDENTS OF COLOMBIA AND VENEZUELA TO REQUEST PRESIDENT
FORD TO CONSENT TO THE PUBLISHING THE EXCHANGE OF LETTERS
BETWEEN HIM AND THE PRESIDENTS OF COLOMBIA, COSTA RICA
AND VENEZUELA ON PANAMA CANAL NEGOTIATIONS.

2. DISCUSSION: WITH REGARD TO PARA TWO OF OF REFTEL, I
HAVE REVIEWED THE TEXT OF PRESIDENT FORD'S LETTER TO
THE THREE PRESIDENTS. SINCE IT WAS ORIGINALLY DRAFTED
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WITH THE IDEA THAT IT MIGHT BE PUBLISHED, I THINK THAT
WE CAN AGREE TO ALLOW THEM TO RELEASE PRESIDENT FORD'S
LETTER FOR PUBLICATION WHEN WE RECEIVE A FORMAL
REQUEST.

3. THE SITUATION WITH REGARD TO THE LETTER THE PRESIDENT RECEIVED FROM THE PRESIDENTS OF COSTA RICA, COLOMBIA AND

VENEZUELA IS MORE COMPLICATED. TWO SHORT PARAGRAPHS IN THE LETTER MAKE REFERENCE TO AGREEMENTS ALREADY REACHED IN THE NEGOTIATIONS. IF THOSE PARAGRAPHS ARE MADE PUBLIC, IT COULD COMPROMISE OUR NEGOTIATING POSITION. THOSE PARAGRAPHS SHOULD BEST BE DELETED IF THE THREE LATIN PRESIDENTS DECIDED TO MAKE THE LETTER PUBLIC. (SIXTH AND SEVENTH PARAS. IN ATTACH. 2.)

4. RECOMMENDATION: THAT WE AGREE TO RELEASE FOR PUBLICATION PRESIDENT FORD'S LETTER TO THE PRESIDENTS OF COSTA RICA, COLOMBIA AND VENEZUELA. I WOULD PROPOSE TO COMMUNICATE THIS TO THE COUNTRIES, AFTER WE RECEIVE A FORMAL REQUEST FROM THEM, AND AT THE SAME TIME INDICATE THAT THE TWO SENSITIVE PARAGRAPHS IN THEIR INCOMING LETTER REFERRING TO AGREEMENTS ALREADY CONCLUDED IN THE PRESENT NEGOTIATIONS BE DELETED.

APPROVE DISAPPROVE

ATTACHMENTS: 1 LETTER FROM PRES. FORD TO PRES. CARLOS PEREZ OF VENEZUELA, PRES. DANIEL ODUBER OF COSTA RICA, AND PRES. ALFONSO LOPEZ OF COLOMBIA AND 2 LETTER FROM THREE PRESIDENTS TO PRES. FORD.

1. JUNE 17, 1975 DEAR MR. PRESIDENT: I WOULD LIKE TO THANK YOU, PRESIDENT ODUBER OF COSTA RICA AND PRESIDENT LOPEZ OF COLOMBIA FOR YOUR LETTER OF MARCH 24, CONTAINING YOUR VIEWS ON THE PANAMA CANAL QUESTION. I HAVE CAREFULLY CONSIDERED THE POINTS YOU RAISE IN THE SAME CONSTRUCTIVE SPIRIT IN WHICH THEY WERE OFFERED, AND I ASSURE YOU I WILL KEEP THEM IN MIND AS THE DISCUSSIONS WITH PANAMA PROGRESS.

IN PARTICULAR, I APPRECIATE THE EXPRESSIONS OF FRIEND-
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SHIP CONTAINED IN YOUR LETTER, AND I ASSURE YOU OF MY OWN DEEP COMMITMENT TO THE SHARED ASPIRATIONS WHICH HAVE CHARACTERIZED OUR RELATIONS OVER SO LONG A PERIOD.

SINCE THE NEGOTIATIONS FOR A NEW TREATY WITH PANAMA ON THE CANAL ARE NOW UNDERWAY, I WILL REFRAIN FROM COMMENTING ON THEM IN ANY DETAIL. HOWEVER, I CAN ASSURE YOU THAT MY ADMINISTRATION IS COMMITTED TO A SINCERE EFFORT TO MODERNIZE THE RELATIONSHIP WITH PANAMA WITH RESPECT TO THE CANAL. THE UNITED STATES HAS A CONTINUING ECONOMIC AND STRATEGIC INTEREST IN THE WATERWAY. BY THE SAME TOKEN, WE RECOGNIZE THE IMPORTANCE OF THE CANAL TO PANAMA. ENCOURAGING PROGRESS HAS BEEN MADE IN THE NEGO-

TIATIONS. ON MY PART, I INTEND TO CONTINUE THESE EFFORTS

TO ACCOMMODATE THE IMPORTANT INTERESTS OF BOTH COUNTRIES, AS WELL AS THOSE OF THE NATIONS OF THE WORLD WHICH DEPEND ON THE CANAL. I AM OPTIMISTIC THAT SATISFACTORY RESULTS CAN BE ACHIEVED. SINCERELY, GERALD R. FORD.

2. MARCH 24, 1975 DEAR MR. PRESIDENT: IN OUR POSITION AS PRESIDENTS OF COLOMBIA, COSTA RICA AND VENEZUELA, MEETING WITH THE HEAD OF THE GOVERNMENT OF PANAMA, IN THE CAPITAL OF THIS REPUBLIC, WE HAVE THE PLEASURE OF FORWARDING TO YOU A COPY OF THE JOINT DECLARATION THAT WE HAVE SIGNED IN THIS HISTORIC SITE, WHERE 149 YEARS AGO THE CONGRESS CONVENED BY THE LIBERATOR SIMON BOLIVAR TOOK PLACE.

AS THE REPRESENTATIVES OF COUNTRIES TRADITIONALLY FRIENDLY TOWARDS THE UNITED STATES, ENGAGED IN THE SAME STRUGGLES FOR FREEDOM, INTERNATIONAL JUSTICE, AND TRUE DEMOCRACY FOR OUR PEOPLES, WE HAVE CONSIDERED IT OUR DUTY TO RELAY TO YOU, CONFIDENTIALLY, SOME REFLEXIONS CONNECTED WITH ONE OF THE PROBLEMS THAT CAUSES THE GREATEST CONCERN TO THE LATIN AMERICAN COMMUNITY. WE ARE REFERRING TO THE NEGOTIATIONS INICIATED ELEVEN YEARS AGO, ON THE QUESTION OF THE PANAMA CANAL, WHICH IS UNANIMOUSLY CONSIDERED BY THE PEOPLES AND GOVERNMENTS OF THIS HEMISPHERE AS A MATTER OF COMMON INTEREST FOR ALL OF LATIN AMERICA.

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WE BELIEVE, MR. PRESIDENT, THAT THE MOST APPROPRIATE MEANS OF SOLVING THE DISPUTE OVER THE JURISDICTIONAL ATTRIBUTIONS OF A FOREIGN POWER ON PANAMANIAN TERRITORY, ARE THE DIRECT NEGOTIATIONS PROMOTED BY THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES THROUGH THE SIGNATURE OF THE JOINT DECLARATION BY THE TWO COUNTRIES IN WASHINGTON ON THE THIRD OF APRIL OF 1964, SEEKING THE PROMPT REMOVAL OF THE CAUSES OF CONFLICT BETWEEN THE UNITED STATES AND THE REPUBLIC OF PANAMA.

WE ARE EXTREMELY PLEASED BY THE PROGRESS MADE IN THE NEGOTIATIONS SINCE THE SECRETARY OF STATE OF THE UNITED STATES, DR. HENRY KISSINGER, AND THE MINISTER OF FOREIGN AFFAIRS OF PANAMA, MR. JUAN ANTONIO TACK, SIGNED THE EIGHT POINT DECLARATION ON THE SEVENTH OF FEBRUARY OF 1974, IN THE CITY OF PANAMA. HOWEVER, IN OUR CONVERSATIONS WE AVE NOTICED THE DEEP CONCERN FELT BY THE HEAD OF THE GOVERNMENT AND THE OTHER REPRESENTATIVES OF THE SISTER REPUBLIC, OVER THE OBSTACLES, NOT INSURMOUNTABLE IN OUR JUDGEMENT, WHICH THEY HAVE ENCOUNTERED IN TRYING TO REACH AN AGREEMENT OVER TWO VITAL PROBLEMS FOR THE

FUTURE OF THE PANAMANIAN NATION: THE DURATION OF THE NEW TREATY AND THE OVERWHELMING MILITARY PRESENCE OF THE UNITED STATES IN PANAMANIAN TERRITORY.

THE GOVERNMENT OF PANAMA HOPES TO AGREE ON A FIXED TERM FOR THE DURATION OF THE NEW TREATY WHICH WILL PUT AN END, IN UNEQUIVOCAL TERMS, TO THE UNLIMITED CONCESSION OVER THE CANAL ESTABLISHED BY THE TREATY OF 1903 BETWEEN THE UNITED STATES AND PANAMA. THIS TERM SHOULD NOT EXTEND BEYOND DECEMBER 31 OF 1994. THE GOVERNMENT OF THE UNITED STATES, ON THE OTHER HAND, HAS DEMANDED A LONGER TERM, ORIGINALLY FIXED AT A MINIMUM OF FIFTY YEARS, A TIME LAPSE NOT IN AGREEMENT WITH THE TRENDS OF THE TIMES.

AS REGARDS THE JURISDICTION OVER THE CANAL ZONE, WE ARE EXTREMELY PLEASED BY THE FACT THAT THE TWO COUNTRIES HAVE REACHED AN AGREEMENT WHEREBY PANAMA WILL RECOVER, AS TERRITORIAL SOVEREIGN, JURISDICTION OVER ALL HER
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GEOGRAPHICAL EXTENSION BETWEEN THE REPUBLIC OF COLOMBIA AND THE REPUBLIC OF COSTA RICA, WITHIN A PERIOD OF THREE YEARS FROM THE DAY THE NEW TREATY COMES INTO EFFECT.

THIS AGREEMENT REFLECTS POINT 3 OF THE TACK-KISSINGER DECLARATION WHICH STATES, "THE TERMINATION OF THE JURISDICTION OF THE UNITED STATES OVER PANAMANIAN TERRITORY IS TO BE REALIZED PROMPTLY".

EVIDENTLY DIFFICULTIES ARISE IN CONNECTION WITH THE DURATION OF THE RIGHT WHICH PANAMA, IN HER CONDITION AS TERRITORIAL SOVEREIGN, WOULD GRANT TO THE UNITED STATES, TO USE THE LAND, WATERS AND AIR SPACE WHICH ARE NECESSARY FOR THE WORKING, MAINTENANCE, PROTECTION AND DEFENSE OF THE CANAL, AS WELL AS THE RIGHT OF WAY OF VESSELS, AS INDICATED IN POINT 4 OF THE EIGHT POINT DECLARATION.

THERE IS NO QUESTION THAT A LONG PERIOD OF NEGOTIATIONS AND AN UNDULY LONG LEASE, THAT COULD BE CONSIDERED EXCESSIVE, WOULD MEAN A FRUSTRATION FOR THE WELL GROUNDED EXPECTATIONS OF JUSTICE OF OUR PEOPLES. SUCH AN OUTCOME WOULD IN NO WAY BENEFIT THE FRIENDLY RELATIONS AMONG THE NATIONS THAT SHARE THE GEOGRAPHY OF THIS CONTINENT.

IT SHOULD BE BORNE IN MIND THAT THE SUCCESSFUL OPERATION OF THE WATERWAY DEPENDS ON A LARGE MAJORITY OF PANAMANIAN EMPLOYEES WHO WORK, DAY AND NIGHT, TO KEEP THE CANAL OPEN TO WORLD TRAFFIC; AND THAT THERE IS NO RECORD OF A HOSTILE ACT, FROM ANY OF THE PANAMANIANS WHO FOR GENERATIONS HAVE WORKED THERE.

IT IS, THEREFORE, AN UNDISPUTED FACT THAT PANAMA, AS

SOVEREIGN OF THE TERRITORY WHERE THE WATERWAY IS LOCATED, NOT ONLY IS THE COUNTRY WHICH IS MOST INTERESTED IN THE SECURITY, MAINTENANCE AND EFFECTIVENESS OF THE CANAL THAT JOINTS THE ATLANTIC AND PACIFIC OCEANS, BUT ALSO THE ONE THAT IS IN THE BEST POSITION TO UNDERTAKE SUCH RESPONSIBILITIES.

UNDER THESE CIRCUMSTANCES, WE ADDRESS OURSELVES TO YOU AS HEAD OF THE GOVERNMENT OF THE UNITED STATES, INVESTED
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WITH THE POWER TO MAKE INTERNATIONAL TREATIES, TO REQUEST YOUR GOOD WILL, IN ORDER THAT THE UNITED STATES COULD WORK TOWARDS AN ARRANGEMENT WHEREBY THE DURATION OF THE NEW TREATY WILL NOT EXTEND BEYOND THE END OF THIS CENTURY. WE THEREFORE HOPE THAT AS FAR AS THE ADMINISTRATION, THE UPKEEP THE THE PROTECTION OF THE WATERWAY IS CONCERNED, THERE WILL BE INCREASED PANAMANIAN PARTICIPATION UNTIL THE FINAL EXPIRATION OF THE SAID TREATY.

WE DARE TO ASSURE YOU, MR. PRESIDENT, THAT A FORMULA WHICH FILLS THESE REQUIREMENTS WOULD OPEN THE WAY FOR THE INTENSIFICATION OF MUTUAL COOPERATION BETWEEN YOUR COUNTRY AND LATIN AMERICA.

THE MILITARY PRESENCE OF AMERICAN FORCES IN PANAMANIAN TERRITORY, ALTHOUGH CONSIDERED NECESSARY BY THE AMERICAN GOVERNMENT, IS ONE OF THE MAIN CAUSES OF FRICTION BETWEEN THE TWO COUNTRIES.

WHILE THE AMERICAN GOVERNMENT BELIEVES THAT THE CANAL SHOULD CONTINUE TO BE DEFENDED BY THE UNITED STATES FOR A LONG PERIOD, THERE IS NO DOUBT THAT IN THIS NUCLEAR AGE THE DEFENSE OF THE CANAL FROM PANAMANIAN SOIL IS, BY ALL STANDARDS, INADEQUATE. THIS FACT HAS LEAD TE GOVERNMENT OF PANAMA TO THE CONCLUSION THAT THE AMERICAN GOVERNMENT KEEPS MILITARY INSTALLATIONS INSIDE THE CANAL ZONE THAT BEAR NO RELATION WHATSOEVER WITH THE SECURITY AND PROTECTION OF THE CANAL, GIVING PANAMA THE CHARACTER OF A COLONIAL OUTPOST IN WHICH THE WHOLE COUNTRY IS SUBORDINATED TO THE EXCLUSIVE MILITARY INTERESTS OF THE UNITED STATES.

WE ARE CONVINCED THAT THE PEOPLE OF PANAMA HAVE WELL FOUNDED HOPES THAT THE NEW TREATY WILL REPRESENT A RADICAL CHANGE IN THE EXISTING SITUATION. THIS WILL NOT BE APPRECIATED AS LONG AS THE UNITED STATES MAINTAINS AN OVERWHELMING MILITARY PRESENCE IN THE CROWDED URBAN CENTERS OF PANAMA AND COLON, ENDPOINTS OF THE INTER-OCEANIC WATERWAY.

IT IS OBVIOUS THAT IF THE GOVERNMENT OF THE UNITED STATES

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INSISTS IN MAINTAINING THE EXISTING SITUATION, THIS POSITION WOULD CREATE A SERIOUS PROBLEM OF UNPREDICTABLE POLITICAL CONSEQUENCES FOR THE GOVERNMENT OF PANAMA, AND MAY EVEN LEAD TO THREATS OF PUBLIC UNREST AND THREATS AGAINST THE SECURITY OF THE CANAL ITSELF.

WE ADDRESS OURSELVES TO THE FAIRNESS AND THE SPIRIT OF JUSTICE OF THE PEOPLE AND THE GOVERNMENT OF THE UNITED STATES, SO THAT THEY GIVE THEIR AGREEMENT TO REMOVE THE FOURTEEN MILITARY BASES WHICH ARE KEPT AT PRESENT IN THE AREAS SURROUNDING THE CITIES OF PANAMA AND COLON, WITHIN THE SO-CALLED CANAL ZONE. THIS WOULD NOT IMPLY IN ANY WAY THAT THE TWO COUNTRIES COULD NOT CONSIDER THE ESTABLISHMENT OF MILITARY BASES FOR THE DEFENSE AND PROTECTION OF THE CANAL, IN AREAS UNDER PANAMANIAN JURISDICTION, DISTANT FROM THE URBAN CENTERS OF PANAMA AND COLON. THESE WOULD BE SUBJECT TO A SPECIAL REGIME OF LIMITED DURATION, AND WOULD ENTAIL COOPERATION WITH THE ARMED FORCES OF THE REPUBLIC OF PANAMA.

IN THE COMING YEAR OF 1976, TWO HISTORIC EVENTS WHICH ARE CLOSELY TIED WITH THE IDEALS OF JUSTICE AND FREEDOM OF OUR PEOPLES WILL BE CELEBRATED. THEY ARE THE BICENTENNIAL OF THE DECLARATION OF INDEPENDENCE OF THE UNITED STATES OF AMERICA WHICH WILL BE CELEBRATED ON THE FOURTH OF JULY, AND THE 150 YEARS OF THE CELEBRATION OF THE CONGRESS OF PANAMA SUMMONED BY BOLIVAR, WHICH WILL TAKE PLACE ON THE 22ND OF JUNE. THIS WOULD BE THE PROPER OCCASION FOR REVIVING THE PHILOSOPHY OF THE MEN WHO LAID THE FOUNDATIONS FOR THE UNION OF NORTH AMERICA AND THOSE WHO GAVE BIRTH TO THE REPUBLICS OF LATIN AMERICA.

WE RELAY TO YOU OUR CONCERNS, MR. PRESIDENT, MOVED BY THE SINCERE SPIRIT OF FRIENDSHIP TOWARDS THE PEOPLE AND THE GOVERNMENT OF THE UNITED STATES, AND BY THE BROTHERLY FEELING WHICH LINKS US TO THE PANAMANIAN NATION.

THE SOLUTION WHICH WE SUGGEST, AS STATED BY THE SECRETARY GENERAL OF THE UNITED NATIONS, MR. KURT WALDHEIM, CAN ONLY REST ON THE RULE OF LAW AND THE
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SEARCH OF JUSTICE; AND SHOULD TAKE INTO ACCOUNT THE TERRITORIAL INTEGRITY OF THE PANAMANIAN STATE, THE SOVEREIGN EQUALITY OF THE STATES, AS WELL AS THE PRINCIPLE DEFENDED BY DEVELOPING COUNTRIES THAT EVERY STATE HAS THE RIGHT TO EXPLOIT, ON ITS OWN, ITS NATURAL RESOURCES.

PLEASE ACCEPT, MR. PRESIDENT, THE ASSURANCES OF OUR
HIGHEST AND MOST DISTINGUISHED CONSIDERATION.
ALFONSO LOPEZ MICHELSEN, PRESIDENT OF COLOMBIA
DANIEL ODUBER, PRESIDENT OF COSTA RICA
CARLOS ANDRES PEREZ, PRESIDENT OF VENEZUELA

CLEARED: AMB. BUNKER, AMB. ROGERS, AND MR. LOW(NSC). INGERSOLL

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